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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/061,441	04/16/1998	LEO JOHN WILZ	38292R1	1675

7590

08/13/2003

JOHN H. SHERMAN, LEGAL DEPARTMENT  
INTERMEC TECHNOLOGIES CORPORATION  
550 2ND STREET S.E.  
CEDAR RAPIDS, IA 52401

EXAMINER

LEI, TSULEUN R

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 08/13/2003

*25*

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/061,441

Applicant(s)

WILZ, LEO JOHN

Examiner

TSULEUN R. LEI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/26/03.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Allowable Subject Matter*

1. The indicated allowability of claims 18-24 is withdrawn in view of the newly discovered reference(s). Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 18, 20-22 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Saitoh (U.S. Patent 6,360,089).

Regarding Claim 18, Saitoh teaches a communications transceiver, comprising: a first antenna connected to a first input amplifier for amplifying signals received by said first antenna

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(Fig. 1, first antenna 101, first amplifier 104); a second antenna connected to a second input amplifier (Fig. 1, second antenna 105, second amplifier 109) for amplifying signals received by said second antenna; an intermediate frequency stage connected to said second input amplifier (Fig. 1, radio receiver 110, Col. 3, Lines 19-20; and a selector disposed between said first input amplifier and said intermediate frequency stage (Fig. 1, power on/off control S(amp1) and S(amp2) are selector switches to select the output signal from either amplifier 104 or amplifier 109) and between said second antenna and said second input amplifier for selecting operation of the communications transceiver between said first and second antennas (Fig. 1, RF-SW2 and duplexer 107), wherein said first input amplifier includes a feedback loop for altering the operational characteristics of said first input amplifier in receiving mode (Fig. 1, power on/off control S(amp1) controls the on/off state of the first input amplifier, which alters the operational characteristics of the amplifier).

Regarding Claim 20, Saitoh teaches a communications transceiver as claimed in claim 18, wherein said feedback loop is a closed loop (Fig. 1, AMP 104, Rx 110, TDMA CONTROLLER 111, and POWER ON/OFF CONTROL A(amp1) forms a closed loop).

Regarding Claim 21 See Claim 18 for Saitoh' teaching.

Regarding Claim 22, Saitoh teaches a communications transceiver as claimed in claim 21, wherein said first receiving amplifier includes a feedback loop for altering the operational characteristics of said first receiving amplifier (Fig. 1, power on/off control S(amp1) controls the

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on/off state of the first input amplifier, which alters the operational characteristics of the amplifier).

Regarding Claim 24, see Claim 20 for Saitoh's teaching.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saitoh (U.S. Patent 6,360,089).

Regarding Claim 19, Saitoh teaches a communications transceiver as claimed in claim 18, with a feedback loop, but he does not disclose a switch to activate feedback loop. However, it is obvious from Fig.1 of Saitoh that the TDMA CONTROLLER 111 must have a control mechanism to activate/deactivate the power on/off control signal S(amp1), so the transceiver can operate with or without diversity as desired by the user. It is also obvious that the switch can be either a physical switch or a software control. Therefore, it would have been

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obvious for one of ordinary skill in the art at the time the invention was made to have included such a selection switch to activate/deactivate the feedback loop, so the transceiver can operate with or without the diversity feature.

Regarding Claim 23, see Claim 19 for Saitoh's teaching.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TSULEUN R. LEI whose telephone number is 703-305-4828. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D Banks-Harold can be reached on 703-305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5403 for regular communications and 703-308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TRL  
TRL

August 8, 2003

*Marsha D Banks-Harold*  
MARSHA D. BANKS-HAROLD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600